

TULARE COUNTY WATER COMMISSION
MEETING MINUTES
June 8, 2015

Members Present:

Allen Ishida, Board Representative and Chairman
Dale Brogan, District 2 Appointee
Mark Larsen, District 3 Appointee
Richard L. Schafer, District 5 Appointee
Chris Kapheim, District 4 Appointee
Susana De Anda, At-Large Appointee
Mike Ennis, Board Alternate Representative
Paul Boyer, District 1 Appointee
Rudy Mendoza, TCAG Representative

Members Absent:

Roger Everett, At-Large Appointee

Staff Present:

Julieta Martinez, Tulare County Board of Supervisors
Denise England, Water Resources Program Manager
Marit Erickson, County Counsel

Members of the Public Present:

Kristin Dobbin
Bob Irvine
Carole Clum
Ken Bowers
Michael Hickey
Michael Tharp
Richard Garcia
Shane Smith

1. Call to Order
2. Public Comment Period

No public comment at this time.

3. Approval of May 11, 2015 minutes

Commissioner Schafer provided staff a copy of minutes with minor corrections. Motion by Commissioner Schafer, second by Commissioner Kapheim, Commissioner De Anda abstained. Motion approved.

4. Groundwater Ordinance, Sarge Green (Discussion and Action Item)

Sarge Green was present to discuss groundwater ordinances. Specifically he presented on his work with Stanislaus and Merced Counties. Different Counties in the San Joaquin Valley have seen re-occurring significant subsidence, proposed exports and numerous wells losing water. Stanislaus and Merced Counties took on the challenge of developing ordinances to manage these impacts. Stanislaus County began in early 2013, adopted in October 2013 (prior to the Sustainable Groundwater Management Act). They then discarded previous efforts and a new structure was created based on the concerns of stakeholders. The structure is very straight forward. Unsustainable extraction or export prohibited unless exempted is one component. There are three major exemption categories: "permit" exemption, institutional exemption or technical exemption. If

it takes groundwater to replace it, that is an exemption. Other exemptions are if you are involved in a groundwater cleanup.

Permit exemption requires technical report subject to examination. Institutional exemption is for ratepayers in existing groundwater management plan areas. Technical is for specific legal or required activities such as “banked” water or remediation discharges that may leave a basin. Obviously the most important is Permit exemption. It does require a fairly sophisticated technical report. Stanislaus County is in the process of developing one.

Merced is similar with local nuance and changes to adapt to local conditions and stakeholder advice. Their ordinance was adopted in March 2015 and includes a parallel application process. This process was done in 9 months. It was revised once again, to align with SGMA and with the help of the new Water Resources Director (Stanislaus).

Merced differs from Stanislaus in some areas. Merced deals with areas that are not covered by water agencies, districts, etc. Merced has a lot of white area. The County has a much larger duty. Merced adopted a slightly different ordinance, they went back to some previous language.

Sarge Green mentioned that one key element of both county ordinances is that well permits are no longer ministerial, they are now discretionary. Both counties hired outside technical experts to evaluate applications for new wells although a lack of data may cause issues for some applications. In both counties, well permits have changed. Applicants must now go through technical review and CEQA. Numbers have dramatically changed because those counties do have the well permit process, which is the first stop. Discussion followed.

Chairman Ishida thanked Sarge Green for his presentation and noted that Mr. Green was involved with the County many years ago before the Water Commission was instituted.

5. Waters of the US (Discussion and Action Item)

Denise England informed the Commission that the Environmental Protection Agency took action a couple weeks prior and completed their rule making process to redefine Waters of the US.

Commissioner Kapheim commented on some things being clearer while others are not. He shared he has a good summary on the various issues that he could provide to the Commissioners.

6. AB 617 (Perea) - Groundwater (Discussion and Action Item)

Denise England stated that the bill contains clean up language for SGMA. It has moved out of the Assembly and on to the Senate.

Commissioner Schafer shared that the Valley Ag Water Coalition is a sponsor of AB 617. The law does not exempt formation of a GSA from CEQA and this bill clarifies that simple provision. He made a motion to approve a recommendation asking the Board of Supervisors to take a position supporting AB 617 and send a letter of support.

Commissioner De Anda stated that the Community Water Center sent a letter of opposition asking for clarification. The office is not supporting the bill unless amended.

Commissioner Kapheim seconded the motion made by Commissioner Schafer. Commission De Anda opposed. Commission Boyer abstained. Motion approved.

7. AB 1390 (Alejo) – Groundwater: adjudication (Discussion and Action Item)

Commissioner Kapheim stated the issue is that adjudication isn't meant to be a separate process. Farm Bureau and ACWA have come together on this issue. It is not adversarial and he would support this.

Commissioner De Anda asked how this bill will help disadvantaged communities that don't have ability to do so. The adjudication process is expensive and a long term process. She believes there are some improvements that can be made. One example is to make it a little more streamline and competent.

Commissioner Schafer stated that the bill does not put DAC in a position worse than they would be without it. It improves the capabilities of adjudication with respect to SGMA putting one in better position than would be otherwise.

Commissioner Larsen shared that one element of the bill is the public notice process. He can see how those pieces would be an improvement to Tulare County communities.

Motion to approve was made by Commissioner Kapheim, second by Commissioner Schafer. Commissioner De Anda opposed. Commissioner Mendoza abstained. Motion approved.

8. Subcommittee Reports

Commissioner Schafer spoke on behalf of the Groundwater Subcommittee. He shared that the group met and provided a concept that they felt was worthy of further discussion.

Commissioner Kapheim shared that the group looked at an interim five year ordinance related to well permitting in Tulare County. The points (suggestions) being brought forward were as follows:

1. *Interim Ordinance shall sunset within five (5) years of the date adopted unless extended by County.*
2. *Cost of Permit should cover County services (issues and inspection of the well site).*
3. *County services to issue a well permit:*
 - A. *Pre-construction evaluation of proposed well site;*
 - B. *Inspection of annular seal.*
4. *Well Abandonment*
 - A. *Failed well site to be abandoned upon construction of new well site;*
 - B. *New well site shall be 75 feet from failed well site;*
 - C. *Verification report filed with County for abandonment of failed well;*
 - D. *In areas where well sites are clustered (wells within 600 feet), separation requirements may be required.*
5. *Permitting of replacement well*
 - A. *Permits may be granted only in cases of well failures;*
 - B. *Production of well shall not be increased*
6. *Water Meters.*
 - A. *All pumps at new well sites shall be metered to County's standard;*
 - b. *County shall develop a meter standard for replacement well sites.*

Commissioner De Anda raised a question. She stated that there currently is a SGMA working group, there was a presentation on a possible Groundwater Ordinance, and a well ordinance review process the County is going through. She suggested consolidated all three projects into one because they affect one another.

Commissioner Schafer commented on SGMA and shared that it is not a subcommittee. It is simply used to provide updates. The well ordinance can be a recommendation from the Commission to the Board of Supervisors. In essence the subcommittee was trying to eliminate construction of new wells that are increasing the use of groundwater.

Chairman Ishida asked for clarification on the action item.

Commissioner Schafer believes the group presented a process by which the construction of new wells can be curtailed, that would result in replacement wells, rehabilitation of the wells, but would eliminate the construction of new wells and development of new lands.

Denise England stated that the Groundwater Subcommittee came up with recommendations (bullet points) for a potential well permitting ordinance. The recommendation is to send those to the Board of Supervisors for consideration on whether or not such an ordinance should be developed. Discussion followed.

Commissioner Schafer made a motion that the Commission recommend to the Board of Supervisors that they evaluate the development of a well permitting ordinance in conformance with the recommendation of the subcommittee.

Chairman Ishida opened up the discussion to the public.

Larry Peltzer made a comment and asked the Commission why they trying to reinvent the wheel. He does not believe restricting or prohibiting the construction of new wells right now is beneficial to the County especially when so many residents and farmers have wells going dry.

Kristin Dobbin, Community Water Center, shared two comments. She urged the Commission to move forward with the recommendation. She also stated that is should include broader language and rephrase the motion to add more urgency to the matter.

Tricia Stever Blattler, Farm Bureau, was also present and asked the Commission to move at a slower pace and really look at all the components and implications of the recommendations being made.

Ernesto Terran, West Grand Avenue in Porterville, thanked the Commission for taking the time to discuss such important issues such as this one and allowing for public input.

Chairman Ishida stated that the main concern for Stanislaus County and Merced County was the development of new ground. He then asked for a vote.

Motion by Commissioner Schafer, second by Commissioner Kapheim. Commissioner De Anda abstained. Motion approved.

2. Staff Reports

- a. Sustainable Groundwater Management Act
 - i. Implementation in Tulare County

The Kaweah Subbasin Roundtable Group will have a kick off meeting on June 23rd at 2pm at the County Administrative Building. A group will be meeting with the Tule stakeholders on Monday June 22nd at 10am to discuss an MOU for that group.

Staff received the final check from the Department of Water Resourced (about \$400,000) for the Tulare Lake Basin Disadvantaged Communities Water Study.

3. Commissioners Comments

Commissioner Larsen shared that there is a workshop on SGMA by the Farm Bureau on Wednesday, June 17th from 4-6pm at the Exeter Memorial Building.

4. Next meeting – Monday, July 13, 2015, 3:00 p.m. – Board of Supervisors Chambers

5. Adjourn

Meeting adjourned at 4:34pm.